

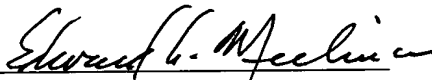
**REMARKS**

The foregoing amendments were made to correct the format of claim 49 by dividing it into 2 claims.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

Dated: June 23, 2004

Respectfully submitted,

By 

Edward A. Meilman

Registration No.: 24,735

DICKSTEIN SHAPIRO MORIN &  
OSHINSKY LLP

1177 Avenue of the Americas

41st Floor

New York, New York 10036-2714

(212) 835-1400

Attorney for Applicant



Claims:

1-29 (Cancelled)

30. (New) A gelatin-free soft caramel comprising a soft caramel base mass that contains at least one polysaccharide hydrocolloid as texturing agent, a crystalline sweetener phase formed by isomaltulose, and a noncrystalline sweetener phase, wherein the caramel is gelatin-free.

31. (New) Gelatin-free soft caramel as in Claim 30, where the polysaccharide hydrochloride is selected from the group consisting of gum arabic, gellan gum, guar gum, cellulose gum, carob seed gum, tamarind seed gum, tara gum, gum tragacanth, xanthan gum, agar, alginate, carrageenan, konjac, pectin, pullulan, a starch, a modified starch and a mixture thereof.

32. (New) Gelatin-free soft caramel as in Claim 1, where the polysaccharide is a mixture of gum arabic and gellan gum.

33. (New) Gelatin-free soft caramel as in Claim 32, where gum arabic and gellan gum are present in a ratio from 5:1 to 15:1.

34. (New) Gelatin-free soft caramel as in Claim 1, where the noncrystalline sweetener phase of the soft caramel base mass is formed of maltitol syrup, polydextrose or hydrogenated starch hydrolysate or a mixture of two or three thereof, and the caramel is sucrose-free.

35. (New) Gelatin-free soft caramel as in Claim 1, where the noncrystalline sweetener phase of the soft caramel base mass is formed of glucose syrup or starch hydrolyzate or both, and the caramel contains sucrose.

36. (New) Gelatin-free soft caramel as in Claim 1, where the soft caramel base mass comprises one or more intensive sweeteners.

37. (New) Gelatin-free soft caramels as in Claim 36, where the intensive sweetener is selected from the group consisting of cyclamate, saccharine, aspartame, glycyrrhizin, neohesperidine dihydrochalcone, thaumatin, monellin, acesulfame, alitame and sucralose.

38. (New) Gelatin-free soft caramel as in Claim 1, where the soft caramel base mass contains 2 to 15% fat.

39. (New) Gelatin-free soft caramel as in Claim 1, where the soft caramel base mass contains at least one emulsifier.

40. (New) Gelatin-free soft caramel as in Claim 1, where the soft caramel base mass contains a positive amount up to 5% of at least one protein component.

41. (New) Gelatin-free soft caramel as in Claim 40, where the protein component comprises milk protein.

42. (New) Gelatin-free soft caramel as in Claim 1, where the soft caramel base mass contains one or more natural or synthetic food dyes.

43. (New) Gelatin-free soft caramel as in Claim 42, where the food dye is selected from the group consisting of chlorophyll, a chlorophyllin, carmine red, alura red,  $\beta$ -carotene, a riboflavin, an anthocyan, betanine, erythrosine, indigo carmine, tartrazine or titanium dioxide.

44. (New) Gelatin-free soft caramel as in Claim 1, where the soft caramel base mass contains flavorings and flavoring agents.

45. (New) Gelatin-free soft caramel as in Claim 44, where the flavorings and flavoring agents are selected from the group consisting of essential oils, synthetic flavorings, fruit essences, eucalyptus, peppermint oil, menthol and acids.

46. (New) Gelatin-free soft caramel as in Claim 1, where the water content of the soft caramel base mass is 5 to 14% water.

47. (New) Gelatin-free soft caramel as in Claim 46, where the water content of the soft caramel base mass is 6 to 12% water.

48. (New) Gelatin-free soft caramel as in Claim 46, where the soft caramel base mass contains flavorings and flavoring agents' at least one emulsifier; at least one intensive sweetener is selected from the group consisting of cyclamate, saccharine, aspartame, glycyrrhizin, neohesperidine dihydrochalcone, thaumatin, monellin, acesulfame, alitame and sucralose; 2 to 15% fat; and where the polysaccharide hydrochloride is selected from the group consisting of gum arabic, gellan gum, guar gum, cellulose gum, carob seed gum, tamarind seed gum, tara gum, gum tragacanth, xanthan gum, agar, alginate, carrageenan, konjac, pectin, pullulan, a starch, a modified starch and a mixture thereof.

49. (New) Gelatin-free soft caramel as in Claim 1, where the soft caramel base mass additionally comprises at least one medicinal active agent, **for example dextromethorphan, hexylresorcinol/menthol, phenylpropanolamine, dyclonine, menthol eucalyptus, benzocaine or cetylpyridinium.**

50. (New) Gelatin-free soft caramel as in Claim 49, where the medicinal active agent is selected from the group consisting of dextromethorphan, hexylresorcinol/menthol, phenylpropanolamine, dyclonine, menthol eucalyptus, benzocaine or cetylpyridinium.

51. (New) A method for producing a gelatin-free isomaltulose containing soft caramel that comprises

a) preparing a noncrystalline sweetener phase by dissolving at least one soluble sweetener in water,

b) adding at least one polysaccharide hydrocolloid, at least one fat component, at least one emulsifier and a part of the total amount of the isomaltulose that forms the crystalline sweetener phase to the noncrystalline sweetener phase,

c) steam heating the mixture obtained in (b) to a temperature of at least 100°C,

d) adding the remaining isomaltulose to the heated mixture while stirring,

e) incorporating air into the mixture obtained in (d) and

f) cooling the mixture.

52. (New) A method as in Claim 51, where 70% to 90% of the total amount of isomaltulose is added to the noncrystalline sweetener phase.

53. (New) A method as in Claim 52, where 74% to 85% of the total amount of isomaltulose is added to the noncrystalline sweetener phase.

54. (New) A method as in Claim 51, where the mixture containing the noncrystalline sweetener phase is heated to 110°C.

55. (New) A method as in Claim 51, where after heating the mixture containing the noncrystalline sweetener phase, the steam heating is stopped and the mixture is subjected to a vacuum.

56. (New) A method as in Claim 55, where after the end of the steam heating, the temperature of the mixture rises to 125°C to 130°C.

57. (New) A method as in Claim 51, where after adding the remaining isomaltulose, the air is introduced into the mixture by whipping the heated mixture.

58. (New) A method as in Claim 51, where after adding the remaining isomaltulose, the heated mixture is cooled and air is introduced into the mixture by pulling the cooled mixture.

59. (New) A method as in Claim 51, where the air containing mixture after cooling is pulled to a strand and the strand is cut into pieces.